



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE

FEB 17 2011

Certified Mail Number 7009 1410 0002 1488 4465
Return Receipt Requested

James Cagle, Risk Manager - EHS
Nu-West Industries, Inc.
Agrium Conda Phosphate Operations
3010 Conda Road
Soda Springs, Idaho 83276

Re: Proposed Schedule for Selected Portions of Supplemental Work Plan;
Preliminary Draft Table of Contents
Nu-West CPO Facility, Soda Springs, Idaho
Docket No. RCRA-10-2009-0186

Dear Mr. Cagle:

Thank you for your letter dated February 15, 2011 that provides Nu-West's proposal for schedule dates to complete and submit select portions of the Supplemental Work Plan and the results of portions of the site investigation conducted thus far. In response to that letter, and to follow up our telephone conversations on February 15 and 17, EPA is granting an extension of time in accordance with Paragraph No. 129 of the Administrative Order on Consent (AOC), Docket No. RCRA-10-2009-0186, for work to be completed as described below.

The Sampling and Analysis Work Plan for Site Characterization Nu-West Industries, Inc. Conda Phosphate Operations Soda Springs, Idaho, dated June 29, 2010 (the "Work Plan") identified a number of tasks that would be deferred to a Supplemental Work Plan. The Work Plan also identified a number of tasks, the resulting data of which would be included in report submitted to EPA along with the Supplemental Work Plan.

On page 3 of your February 15 letter, you included a table that presented sections of the Supplemental Work Plan and the respective "Estimated Completion Dates." Instead of "Estimated Completion Dates", I believe what you intended was "Section Submittal Dates." In accordance with the AOC, all work plans are subject to approval by EPA. Likewise, in the event that the submission of data or reporting was incomplete, EPA would not consider it complete until such a point that the missing data or report information was submitted.

- The second to last paragraph on page 2 of your letter states that, "Nu-West will prepare a detailed summary of the groundwater investigation methods, including procedures for borehole advancement, well construction, well development, well sampling, sample handling and chain-of-custody, sample analytical program, and data analysis."

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EPA's expectation as expressed in my January 25, 2011 letter to you is that the provided information will contain a sufficient level of technical detail to satisfy the Order work plan requirements so that we may approve that component of the Supplemental Work Plan with a minimum amount of comment.

Per our conversation today, we understand that Nu-West has committed to provide the components of the groundwater investigation identified in the second to last paragraph on page 2 of your February 15 letter, on or before March 24, 2011. If you intended otherwise, please let me know.

As clarified and revised above, EPA approves of the schedule presented in your letter of February 15, 2011. EPA also approves of the proposed July 27, 2011 deadline for submittal of the Site Assessment Report and Supplemental Work Plan as requested in your February 15, 2011 letter. In accordance with paragraph 129 of the AOC, modifications to the schedule in carrying out the consent order may be made by written agreement of the Project Coordinators. If you agree with the schedule changes, please notify me in writing.

If you have any questions, please do not hesitate to call. Questions from legal counsel should be addressed to Andrew Boyd. Thank you.

Sincerely,



Peter Magolske

cc: P. Scott Burton, Esq.
Hunton and Williams LLP

Brian Monson
Idaho Department of Environmental Quality